



IN THE MATTER OF THE "PUBLIC ENQUIRIES ACT."

and

In the Matter of the Investigation into charges preferred by James M. Young, of the Town of Brockville, against F. B. Taber, License Inspector at Brockville, and C. R. Deacon, of the said Town of Brockville, who was acting as the said License Inspector's solicitor and counsel.

TO HIS HONOUR

THE LIEUTENANT GOVERNOR. in Council.

Your Honour-:

In pursuance of the Commission under the Great Seal of the Province of Ontario, issued to me, John Kelley Dowsley a Judge of the County Court, of the United Counties of Leeds and Grenville, and directing me to enquire into the truth or falsity of the said charges, and which Commission is returned herewith. I summoned before me the said James M. Young, who was after the first day of the proceedings represented by Counsel, the said F. B. Taber, who was also represented by Counsel, and the said C. R. Deacon, and having heard upon oath the evidence adduced by the said parties, and by the several witnesses summoned on behalf of the said parties respectively-

I BEG TO REPORT AS FOLLOWS-;

Charge No I- contains the gist of the charges, and is to the effect that said James M. Young, who is an acknowledged bootlegger, received protection from Inspector Taber and Mr. Deacon, allowing him to have and sell liquor to their knowledge, and no prosecution followed- There is no evidence to support these charges except the assertion of Young that he had received several shipments of liquor by express, and he inferred that the License Inspector had full knowledge of the receipt by him of these shipments. The evidence of Mr. Taber corroborated by Mr. Deacon was that while he suspected



Young of illicit dealing, and was watching him, there was no evidence which warranted prosecution, and he had no knowledge of his receiving liquor as stated. Both Taber and Deacon swore positively that there was no arrangement, tacit or otherwise, as alleged.

Charges 2 & 3- Allege that Young paid to Mr. Deacon \$100. in the presence of Young's wife, and at another time \$100. when no person was present- These charges are not proven. The evidence of the wife was so incredible, and so at variance even with that of her husband, that no weight could be given to it, and Mr. Deacon absolutely denied both charges.

Charge No 4- Deals with an alleged shipment of liquor addressed to Mrs William Hellman (said to be an assumed name) 53 Church Street Brockville, (Young's residence) and which was seized before delivery, by the Inspector, and taken by the express man to his the Inspector's house. It is alleged that on the second night thereafter, these ~~th~~ two cases were left outside the Inspector's house ~~W~~ for Young, and that he got them there and with the assistance of one Allaine, a G. T. R. officer removed them to his house. Allaine, who had on several occasions interviewed Young with a view to having his assistance to ferret out a theft of liquor from Grand Trunk cars, says that he saw Young one night late in the vicinity of Taber's residence, but that he did not see him get the cases of liquor, and denies Young's evidence that he assisted him in removing it. There is no evidence whatever to bring this home to Mr. Taber, Allaine was not his officer and was not employed by him. Mr. Taber says that the liquor from the Hellman cases were repacked by him, and some weeks after were sent to the Department, and appear in the list sent to the Department. These are the cases from which Young produces the express tags. Mr. Taber cannot account for the tags being in Young's possession, unless they were taken from the old boxes in his shed.

Charge No 5- An assertion that Mr. Deacon in answer to a

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request from Young for some seized liquor, had replied that he would have Mr. Taber see him when he Taber returned to town. Mr. Deacon says this note was in answer to a letter from Young, advising that he had some information for Mr. Taber and asking when he could see Taber. I believe Mr. Deacon's version of this incident, and there is nothing improper in it.

Charges Nos. 6 & 7- The eight cases of liquor referred to in charge 7, were received by Young, but not by the order or direction of Taber or Deacon, nor with their consent for the purpose therein stated. Mr. Taber and Mr. Deacon however say, that at the instance of one Warren, an O. T. A. officer, it was arranged that Young, who had made a deal with some Americans, should deliver these Americans with the liquor to the officers, and was to advise the officers when and where delivery was to be made. In this arrangement Young apparently outwitted the officers and the Americans got away with the liquor. The bank book referred to was given to Young, that he might satisfy the Americans that he was financially able to carry out his contract.

Charges Nos. 8 & 9- Implicate the said Warren, and the transactions therein referred to were carried out without the knowledge of Taber or Deacon. About this time or shortly after, officer Warren, who had been drinking, was recalled to Toronto at the request of Mr. Taber. He did not advise Taber or Deacon of the matters referred to in these charges, and they had no notice of them until after Warren had gone.

Charge No. 10- Young alleges that he got a case of gin from Taber, and was assisted by Allaine in removing it. Allaine swears he met Young on Water street near the river, and a short distance from Taber's residence, Young having in his possession a case of gin, which he said he got from Taber. Young opened the case, put the bottles in a suit case, and threw the wooden case into the river. There was no evidence



that it came from Taber's, and Mr. Taber utterly denies it. Evidence was given that there were bootleggers in that vicinity who were suspected of dealing in gin.

Charge No. II- That Taber and Deacon warned Young to be on his guard in case an officer called on him, is not proven. Nor is it proven that Taber and Deacon were present at Young's house, when he Young was selling liquor in another room. And there is no foundation for the charge that Deacon suggested a plant for one Baldwin.

Shortly before these charges were laid, Young's wife was fined \$300 for a breach of the Act. While the case was pending both Young and his wife threatened Taber and Deacon unless the case against Mrs Young was withdrawn. When officer Bromley came here they apparently endeavoured to get some concessions through him, in consideration of the withdrawing of these charges. Both Young and his wife interviewed Mr Bromley several times, and Young particularly intimated that the charges were not true, and said he would withdraw the charges, but he did not do so.

On a resume of the whole evidence, I BEG FURTHER TO REPORT that the charges preferred by Young against Taber and Deacon, alleging misconduct of their part, are not true. That they never had any dealings with Young, except the matter arranged through officer Warren for the arrest of the Americans. That they have not been guilty of protecting Young as a bootlegger, or in his infractions of the Ontario Temperance Act, or in any other manner. And that Mr. Deacon has not accepted from Young, or any person on his behalf, any bribe as alleged, or any consideration for his protection as set out in the charges.

On the evidence it would appear that Mr. Taber and Mr. Deacon are careful and efficient in carrying out the terms of the Act, and apparently desirous of conscientiously performing their respective duties as Inspector and Counsel.



All of which is respectfully submitted.

Brockville, January 22nd, 1921.

J. K. Dowsley

Judge of the County Court,
Leeds and Grenville.

Commissioner.

